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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,351	03/15/2001	Neal Brooks	58593.000006	3436

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08/26/2004

David S. Romney
Iomega Corporation
1821 West Iomega Way
Patent Administrator - Legal Dept.
Roy, UT 84067

EXAMINER

CRAIG, DWIN M

ART UNIT

PAPER NUMBER

2123

DATE MAILED: 08/26/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/808,351

Applicant(s)

BROOKS ET AL

Examiner

Dwin M Craig

Art Unit

2123

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. **Claims 1-30** have been presented for Examination. **Claims 1-30** have been Examined and rejected.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

2. **Claims 1-5, 7-15, 17-25 and 27-30** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Atkins et al. U.S. Patent 6,182,212** in view of **Beard et al. U.S. Patent 4,899,136** and in further view of **Blackborow et al. U.S. Patent 5,065,262**.

2.1 As regards independent **Claims 1, 11 and 21** the *Atkins et al.* reference discloses a first media reader, the media reader configured to access a removable media (**Figure 1 Items 38 and 30**), recording a set of operating variables of a first machine (**Figure 2 Items 54, 56, 58, etc...**), via removeable media (**Figure 1 Item 30**) and providing a set of operating variables

(**Figures 2 & 3**) to provide a user operating environment (**Col. 4 Lines 39-48**) and then provide this operating variables on a second computer system (**Figure 1 Item 40**).

However, the *Atkins et al.* reference does not expressly disclose the *emulation* of one user environment on the second machine.

The *Blackborrow et al.* reference discloses that there has been a long felt need in the art to provide a user with the ability to transport a customized operating environment from computer to computer (**Col. 2 Lines 6-14**).

Thus, it would have been obvious, to an artisan of ordinary skill, at the time the invention was made, to have modified the teachings of the *Atkins et al.* reference with the teachings of the *Beard et al.* reference to provide a emulation on a second processor of the users custom environment (*Beard et al. Figures 1 & 3, 15, Col. 3 Lines 39-49*).

2.2 As regards dependent **Claims 2, 12 and 22** the *Atkins et al.* reference discloses a magnetic recordable media (**Figure 1 Item 30**).

2.3 As regards dependent **Claims 3, 13 and 23** the *Atkins et al.* reference discloses operating environment variables for an operating system (**Col. 10 Lines 6-34**).

2.4 As regards dependent **Claims 4, 14 and 24** the *Atkins et al.* reference discloses network settings (**Col. 10 Lines 35-34**).

2.5 As regards dependent **Claims 5, 15 and 25** the *Atkins et al.* reference discloses that the second machine is source code compatible with the second machine (**Col. 3 Lines 51-62 and Col. 8 Lines 51-59**) and keyboard and mouse settings (**Col. 9 Lines 24-29**).

2.6 As regards dependent **Claims 7, 17 and 27** the *Atkins et al.* reference discloses a desktop computer (**Figure 1 Items 10 or 22**).

2.7 As regards dependent **Claims 8, 18 and 28** the *Atkins et al.* reference discloses data file synchronization (**Col. 3 Lines 35-62**) the checking and converting of files as disclosed in the *Atkins et al.* reference is functionally equivalent to data file synchronization.

2.8 As regards dependent **Claims 9, 19 and 29** the *Atkins et al.* reference does not expressly disclose the restoration of operating variables at the termination of the emulation.

The *Beard et al.* reference discloses that the emulation does not change the emulation settings when a session is cancelled (**Col. 26 Lines 1-10**), this is functionally equivalent to the restoration of the environment before the emulation began.

It would have been obvious, to one of ordinary skill in the art, at the time the invention was made to have provided for the ability of an emulation system to restore the original configuration to a system because this would provide the ability of the user to “undo” an undesirable set of user settings that might have caused a problem with the computer being used.

2.9 As regards dependent **Claims 10, 20 and 30** the *Atkins et al.* reference discloses operating variables of two different machines (**Figure 1 and Col. 3 Lines 24-34**).

3. **Claims 6, 16 and 26** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Atkins et al. U.S. Patent 6,182,212** in view of **Beard et al. U.S. Patent 4,899,136** and in further view of **Blackborow et al. U.S. Patent 5,065,262** and in further view of **Moore et al. U.S. Patent 5,732,266**.

3.1 As regards independent **Claims 1, 11 and 21** see paragraph **2.1** above.

3.2 As regards dependent **Claims 6, 16 and 26** the *Atkins et al.* reference does not expressly disclose automatic launching.

The *Moore et al.* reference discloses automatic launching (**Figure 4-8**).

It would have been obvious, to one of ordinary skill in the art, at the time the invention was made, to have made the recordable media automatically launch the emulation code because it makes it easier for the novice computer user to take advantage of the emulation program without having to type in arcane command line commands or navigate through a window environment to find the launch icon on the mounted disk in order to use the emulation.

Conclusion

4. Claims 1-30 have been Examined and rejected. This action is **NON-Final**.

4.1 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dwain M Craig whose telephone number is 703 305-7150. The examiner can normally be reached on 10:00 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Teska can be reached on 703 305-9704. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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DMC


JEAN R. HOMERE
PRIMARY EXAMINER